

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

DUSTIN FOCKLER,
PLAINTIFF,

v.

UNITED STATES MARSHALS
SERVICE,
DEFENDANT.

CIVIL ACTION NO. 05-123 ERIE

DECLARATION OF JESSICA BORN

I, Jessica Born, declare the following to be true and correct:

1. I am an Associate General Counsel for the Office of General Counsel, United States Marshals Service ("USMS"), Department of Justice, Arlington, Virginia.
2. I am familiar with the allegations contained in the Complaint filed herein. I understand that plaintiff claims he developed post-traumatic stress disorder as a result of two (2) alleged events that took place in late 2003 or early 2004 while plaintiff was in the custody of USMS en route to his current place of incarceration. I understand that plaintiff claims, in particular, that aircraft transporting him experienced severe mechanical malfunctions causing them to make emergency landings.
3. According to the attached docket sheet, on August 27, 2003, plaintiff was convicted of conspiracy to distribute marijuana and conspiracy to launder money. For these crimes, he was sentenced to 144 months for each count, to be served concurrently, followed by four years of supervised release as to the first count and three years as to the second count, to be served concurrently. Attached as Exhibit 1 is a true and correct copy of the docket sheet for United States v. Dustin Gene Fockler, et al., United States District Court, Western District of Michigan, Case No. 1:03-cr-00088-RHB-1.
4. According to Federal Bureau of Prisons records, assuming plaintiff receives all Good Conduct Time available, his projected release date is December 12, 2013.
5. The USMS is responsible for the scheduling and transportation of federal prisoners and illegal and criminal aliens who have been remanded to the

custody of the USMS. See 18 U.S.C. § 4013, note (Pub.L. 106-553, §1(a)(2) [Title I], December 21, 2000, 114 Stat. 2762, 2762A-55).

6. On November 1, 2002, the USMS entered into an agreement with CSI Aviation Service for the lease and maintenance of jet passenger aircraft to transport individuals remanded to the custody of the USMS. Attached as Exhibit 2 is a true and correct copy of this agreement, with the exception of Section I(B) which contains pricing and is excluded as irrelevant. See Contract No. MS-03-C-0008.
7. Under Contract No. MS-03-C-0008, CSI is required to provide all maintenance to the aircraft leased through this agreement.
8. During the time of the incidents alleged in the Complaint, plaintiff was transported by the USMS via aircraft leased under Contract No. MS-03-C-0008.

I declare, under penalty of perjury, pursuant to 28 U.S.C. §1746, that the foregoing is true and correct.

Executed on this the 22nd day of November, 2005.



Jessica Born
Associate General Counsel
U.S. Marshals Service